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October 3, 2018

VIA CM/ECF

The Honorable Allyne R. Ross
United States District Court
Eastern District of New York
Conrad B. Duberstein Federal Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

***Re: Homaidan v. Sallie Mae, Inc., et al., No. 18-cv-4527 (ARR)
Notice of Denial of Petition for Certiorari***

Dear Judge Ross:

I write on behalf of the Appellants-Defendants in the above-captioned action, Sallie Mae, Inc., Navient Solutions, LLC, and Navient Credit Finance Corporation, in response to the Court's October 2, 2018 Order. Dkt. No. 6. Specifically, I write to inform the Court that, on October 1, 2018, the Supreme Court denied the petition for certiorari in *Credit One Bank, N.A. v. Anderson*, No. 17-1652. Appellants-Defendants are evaluating all of their options in light of this development and will inform the Court as soon as possible whether they intend to pursue this appeal or not.

In regard to the information requested in paragraph 5 of the Court's Order, Appellants-Defendants respectfully submit that counsel's comments to the bankruptcy court were made before subsequent briefing was submitted in the *Credit One Bank* appeal. Among other things, the subsequent briefing argued that Credit One Bank failed to preserve "principal arguments" about the text and history of the Bankruptcy Code and that the "Second Circuit explicitly declined to consider these arguments." No. 17-1652, Br. in Opp'n to Pet'n for Writ of Certiorari at 2, 21, 22, 23, 26, 29 (Aug. 1, 2018). Appellants-Defendants, in contrast, have preserved such arguments for purposes of appeal here.

Accordingly, Appellants-Defendants may decide to pursue this appeal notwithstanding denial of certiorari in *Credit One Bank*. As such, Appellants-Defendants do not now seek further stay of the briefing schedule in this appeal. To the extent that Appellants-Defendants decide not to pursue this appeal they will inform the Court and the parties in advance of their opening brief deadline, which we request to be set for 30 days out.

Thank you for Your Honor's consideration.

Respectfully,

/s/Shawn R. Fox

CC: All counsel of record (by CM/ECF)

CERTIFICATE OF SERVICE

I certify that on this 3rd day of October, 2018, I filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/ Shawn R. Fox